

Exhibit 8

Reply Brief in Support of Hamad Al-Husaini's
Motion to Dismiss the Third Amended Complaint

03 MDL No. 1570 (RCC) / C.A. No. 03-CV-9849 (RCC)

Issue Brief

Order Code IB88049

AFGHANISTAN: STATUS, U.S. ROLE, AND IMPLICATIONS OF A SOVIET WITHDRAWAL

Updated May 20, 1988



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05-20-88

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SUMMARY

The signing of the U.N.-sponsored accord on Afghanistan begins a new phase both of U.S.-Soviet relations and of the Afghan war itself. As part of the accord between Pakistan and the current Afghan government, Moscow began to withdraw its troops on May 15, with a pledge to have all of them out within 9 months.

Moscow's apparent decision to cut its losses followed a failed effort to break a military and political stalemate. The Afghan resistance grew in military effectiveness and achieved greater battlefield cooperation, while the Afghan army remained relatively ineffective and efforts to co-opt its opponents into a government of national reconciliation under the Afghan communists failed to achieve significant results.

U.S. assistance, channelled through Pakistan, appears to have been an important factor in the increasing effectiveness of the Afghan resistance. U.S. aid to the resistance has been estimated in press reports at over \$600 million yearly, with total funding since 1980 approaching \$2 billion.

Various factors are cited to explain the Soviet decision to seek a withdrawal accord. First among these is said to be the military and current political stalemate, and the realization that any effort to increase or even maintain the level of effort would run directly counter to Secretary Gorbachev's campaign for domestic modernization and better relations with the United States, China, and other powers. Observers also credit growing and vocal Soviet domestic opposition to the war as a significant factor.

The structure of the accord follows the lines of a draft agreement between Pakistan and the Kabul government that evolved from U.N.-sponsored, indirect negotiations at Geneva that began in June 1982. The final settlement includes three bilateral agreements between Afghanistan and Pakistan concerning noninterference in each other's affairs, the return of the refugees, and interrelationships between these elements and a Soviet withdrawal, as well as a document signed by the United States and the U.S.S.R. as international guarantors.

Signing of the accord is likely to provoke a debate in Congress over whether the agreement is in the interest of the United States and its Afghan allies. Although President Reagan and Secretary of State Shultz have affirmed their intent to continue aid to the Afghan resistance so long as the Soviets aid their clients in Kabul, questions remain about how such aid would be effected in view of Pakistan's formal pledge of noninterference in Afghan affairs.

Major uncertainties exist concerning Afghanistan's future. Some project continued conflict and chaos among the contenders for power, with the collapse of the communist-dominated government followed by widespread fighting and bloodshed among the Afghan resistance groups. Others expect to see early installation of a consensus government in Kabul representing various factions of the Afghan resistance, even if dominated by Islamic fundamentalists. Still others are not certain that the Kabul government can cling to power without Soviet support.